



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Willem Broekaert et al.

Examiner: Collins, Cynthia E.

Serial No.: 10/570,554

Group: 1638

Filed: December 7, 2006

Docket: 1187-44

For: **PLANTS HAVING MODIFIED
GROWTH CHARACTERISTICS
AND METHOD FOR MAKING THE SAME**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

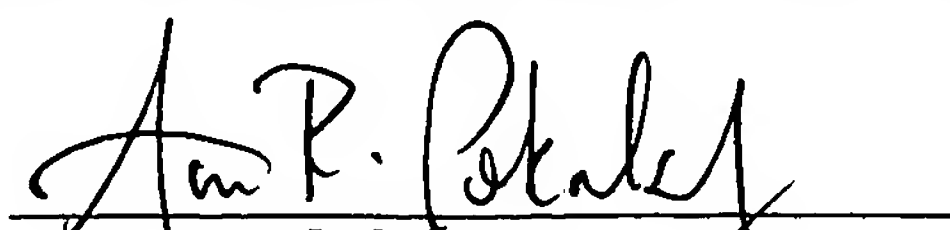
In response to the Restriction Requirement of July 28, 2008, and in accordance with the provisions of 37 C.F.R. §§1.111 and 1.143, Applicants elect **Group II**, Claims 2-5, 7-8, 12-14 and 20-22, with traverse, drawn to a method comprising increasing expression, activities or levels in a plant of an *Arabidopsis thaliana* CDK;B1;2 plant B-type CDK protein, for continued prosecution in this application.

Applicants respectfully ask the Examiner to reconsider the restriction requirement and rejoin at least Groups I, II, III, IV, V, and VI since these groups comprise the common features of (i) a PPTALRE motif, (ii) a catalytic kinase domain, and (iii) a T-loop activation kinase domain. The common technical feature linking all these groups is the finding that various yield-related characteristics may be modified in plants using a CDKB comprising these features.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on October 28, 2008.

Dated: October 28, 2008


Ann R. Pokalsky

Applicants observe that the International Preliminary Report on Patentability issued by the International Bureau (IB) in PCT application PCT/EP2004/052035, of which the above-identified application is a section 371 application, did not raise any objections concerning an alleged lack of unity for such groups of claims.

Reconsideration and rejoinder of claims at least Groups I, II, III, IV, V, and VI is respectfully requested.

Respectfully submitted,



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